

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KERRY L. SMITH,

Defendant.

Case No. 07-cr-40038-JPG

**ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 207) of Magistrate Judge Philip M. Frazier recommending that the Court accept defendant Kerry L. Smith’s guilty plea to Counts 1 and 2 of the Superseding Indictment and adjudicate Smith guilty of those offenses.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 207), **ACCEPTS** Smith’s guilty plea to Counts 1 and 2 of the Superseding Indictment and **ADJUDICATES** Smith guilty of Counts 1 and 2 of the Superseding Indictment.

The Court further **GRANTS** Smith’s motion to continue the sentencing and forfeiture

hearing currently set for June 7, 2012 (Doc. 213) and continues that proceeding until July 12, 2012, at 1:30 p.m. in Benton, Illinois.

**IT IS SO ORDERED.**

**DATED: May 31, 2012**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**